REMARKS

In view of the above amendment and the following discussion, the Applicants submit that none of the claims now pending in the application are unpatentable under the provisions of 35 U.S.C. §§ 101 and 112. Thus, the Applicants believe that all of these claims are now in allowable form.

I. REJECTION OF CLAIMS 1-8 UNDER 35 U.S.C. § 101

The Examiner rejects claims 1-8 for being directed to non-statutory subject matter under 35 U.S.C. § 101. The Applicants respectfully submit that the limitation of "appending to an output join list" is a useful, concrete and tangible result, thereby fully satisfying the requirements of 35 U.S.C. § 101.

Moreover, the Examiner asserts that the useful, concrete and tangible result of appending to an output join list is unknown if the limitations in independent claims 1 and 6 are not true (i.e. the potential ancestor descendant list is greater than or equal to a second attribute of a current node in the potential ancestor list, etc.) (See Final Office Action, Section 2, emphasis in original) The Applicants respectfully submit that the Applicants are not required to claim each and every possible permutation of outcomes to satisfy the requirements of 35 U.S.C. § 101.

The requirements of 35 U.S.C. § 101 are that the claims be any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof. (See MPEP, 2106(IV)(A).) Applicants respectfully submit that independent claims 1 and 6 recite new and useful processes (i.e. methods).

Furthermore, to satisfy 35 U.S.C. § 101, the claim must produce a useful, concrete and tangible result. (See MPEP, 2106(IV)(C)(2)(2).) Applicants respectfully submit that appending to an output join list is a useful, concrete and tangible result, as discussed above. Nowhere within the requirements of 35 U.S.C. § 101 or the MPEP does it require that the Applicants claim each and every possible permutation of outcomes.

The Applicants are only claiming the limitations of (d) determining whether a second attribute of a current node in the potential descendant list is less than a second attribute of a current node in the potential ancestor list and (e) determining, based upon

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a result from (d), whether a first attribute of the current node of the potential ancestor list is less than a first attribute of the current node of the potential descendant list, a second attribute of the current node of the potential descendant list is less than a second attribute of the current node of the potential ancestor list, and a level number of the current node of the potential descendant list is equal to a level number plus one of the current node of the potential ancestor list, as positively recited in claim 1 and (d) determining whether a start position of a current node in the potential ancestor list is less than a start position of a current node in the potential descendant list and (e) determining, based upon a result from (d), whether a start position of the current node of the potential ancestor list is less than a start position of the current node of the list of potential descendants, an end position of the current node of the potential descendant list is less than an end position of the current node of the potential ancestor list, and a level number of the current node of the potential descendant list is equal to a level number plus one of the current node of the potential ancestor list, as positively recited in claim 6. Consequently, a useful, concrete and tangible result is produced by (f) appending to an output join list, based upon a result from (e), a node pair comprising the current node of the potential ancestor list and the current node of the potential descendant list, as positively claimed by Applicants' independent claims 1 and 6.

It is respectfully submitted that the Examiner has failed to present a proper §101 rejection. The Examiner has provided no support for the position that "appending to an output join list is still unknown". Applicants' claims clearly recite Applicants' invention and are supported by Applicants' Specification. The fact that Applicants' claims do not recite all permutations as disclosed in Applicants' Specification does not render Applicants' claims as non-statutory. The condition(s) claimed by the Applicants would allow the output join list to be known.

Therefore, the Applicants respectfully submit that claims 1-8 fully satisfy the requirements of 35 U.S.C. § 101 and are patentable thereunder.

II. REJECTION OF CLAIMS 1-8 UNDER 35 U.S.C. § 112

The Examiner rejected claims 1-4, 10 and 12 under 35 U.S.C. § 112, second paragraph, as being indefinite. However, Applicants assume based upon the

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Examiner's detailed rejection that the Examiner meant to reject claims 1-8 under 35 U.S.C. § 112. The Applicants respectfully traverse the rejection under such assumption.

The Examiner alleges the clause "unmatchable nodes" renders claims 1 and 6 indefinite because what unmatchable nodes are is unclear. The Applicants respectfully submit that "unmatchable nodes" is clearly defined at least by Applicants' specification on page 9, paragraph [0049]. For example, given an ancestor-descendant or parent-child structural relationship (e_1, e_2), unmatchable nodes would be the nodes that do not match the predicates (e_1, e_2) and therefore, are not included in the AList or DList. (See *Id.*)

Moreover, the Examiner asserts, similar to the reasoning for the rejection under 35 U.S.C. § 101 stated above, that claims 1 and 6 are indefinite because it is unclear what will happen if one of the conditions within claims 1 and 6 are not met. Again, the Applicants respectfully submit that the Applicants are not required to claim each and every possible permutation of outcomes. Applicants only claim <u>appending to an output join list</u> if it is determined that <u>a second attribute of a current node in the potential descendant list is less than a second attribute of a current node in the potential ancestor list</u> and <u>a first attribute of the current node of the potential ancestor list is less than a first attribute of the current node of the potential descendant list, a second attribute of the current node of the potential descendant list is less than a second attribute of the current node of the potential ancestor list, and a level number of the current node of the potential descendant list is equal to a level number plus one of the current node of the potential ancestor list</u>, as positively recited in claim 1. Alternatively, Applicants only claim <u>appending to an output join list</u> if it is determined that <u>a start position of a current node in the potential ancestor list is less than a start position of a current node in the potential descendant list</u> and <u>a start position of the current node of the potential ancestor list is less than a start position of the current node of the list of potential descendants, an end position of the current node of the potential descendant list is less than an end position of the current node of the potential ancestor list, and a level number of the current node of the potential descendant list is equal to a level number plus one of the current node of the potential ancestor list</u>, as positively recited in claim 6.

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It is respectfully submitted that the Examiner has failed to present a proper §112 rejection. Applicants' claims clearly recite Applicants' invention and are supported by Applicants' Specification. The fact that Applicants' claims do not recite all permutations as disclosed in Applicants' Specification does not render Applicants' claims as indefinite.

Therefore, the Applicants respectfully submit that claims 1 and 6 fully satisfy the requirements of 35 U.S.C. § 112 and are patentable thereunder. As such, the Applicants respectfully request the rejection be withdrawn.

Moreover claims 2-5 and 7-8 depend from rejected claims 1 and 6 in view of the arguments above. Therefore, Applicants respectfully request the rejection to claims 2-5 and 7-8 also be withdrawn.

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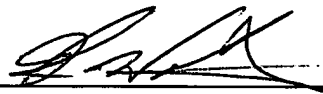
Conclusion

Thus, the Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. §101 and 112. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone <u>Mr. Kin-Wah Tong, Esq.</u> at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

March 17, 2008

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